

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 23, 2006 (“Office Action”). Claims 1-39 are pending in the present application and currently stand rejected.

Del Ray Reference

Applicants note that every rejection is based on U.S. 2006/0106703 A1, listing Del Rey, et al. as inventors (“*Del Ray*”). Applicants point out that *Del Ray* has an actual filing date (November 18, 2005) after the priority date of the Application (December 29, 2000). Therefore, in utilizing *Del Ray* as a reference, Applicants submit that the PTO must (1) establish the rejection based on the disclosure of *Del Ray*, and (2) include a showing of support in a provisional application to which *Del Ray* claims priority. *See* M.P.E.P. §706.02, Example 2 and M.P.E.P. §2136.03.

Section 102 Rejection

Claims 1-6, 12, 14, 16-20, 22, 27, 29-31, 36 and 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Del Ray*. Applicants traverse this rejection.

As the PTO is fully aware, in order for a reference to anticipate a claim “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (Emphasis Added). With this threshold requirement in mind, Applicant submits that the PTO has failed to establish a *prima facie* case of anticipation using *Del Ray*.

Independent Claim 1 is allowable because *Del Ray* fails to disclose, expressly or inherently, “initiating a service request message by a first client to a first server, the service request message initiated after a telephony call session has been established between the first client and a communication network, the service request message including the first client identity and a requested service available from a second server comprising a plurality of services.” The Office Action alleges that *Del Ray* discloses this feature at Paragraphs 0019, 0020, and 0026, but this is incorrect. Paragraphs 0019, 0020, 0026, generally describe an ability of the invention to “enable[] clients and/or advisors the

ability to view comprehensive financial data associated with a particular client.” In these paragraphs, no details are provided as to a service request message initiated after a telephony call session has been established, let alone, the service request message containing the first client identity and a requested service. Additionally, it is unclear from these paragraphs what could serve as the first server and the second server. Thus, clearly, *Del Ray*, does not disclose the claimed invention in as complete detail as is contained in Independent Claim 1. Accordingly, Independent Claim 1 and its dependents should be allowed as should Independent Claims 14, 29, and 36 and their dependents for analogous reasons.

Section 103 Rejections

Numerous other rejections were made to dependent claims under 35 U.S.C. §103(a). These rejections are moot because the Independent Claims should be allowed as indicated above.

Request for Evidentiary Support

Should any of the above asserted rejections be maintained, Applicant respectfully requests appropriate evidentiary support. Additionally, if the Examiner is relying upon “common knowledge” or “well known” principles to establish the rejection, Applicant requests that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. Furthermore, to the extent that the Examiner maintains any rejection based on an “Official Notice” or other information within the Examiner’s personal knowledge, Applicant respectfully requests that the Examiner cite a reference as documentary evidence in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. 1.104(d)(2).

No Waiver

All of Applicant’s arguments and amendments are without prejudice or disclaimer. Applicant reserves the right to discuss the distinctions between the applied art and the claims in a later Response or on Appeal, if appropriate. By not responding to additional

statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the anticipation and obviousness rejections.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Ryan S. Loveless, Attorney for Applicant, at the Examiner's convenience at (214) 953-6913.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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